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6 UNITED STATES DISTRICT COURT
7 DISTRICT OF NEVADA

8 THOMAS ANGELO, an Individual; and
9 KAREN ANGELO, an Individual,

10 Plaintiff,

11 vs.

12 ALBERTSON'S LLC., d/b/a ALBERTSON'S,
13 a Foreign Limited-Liability Company; and
14 DOES I through X, inclusive; and ROE
15 BUSINESS ENTITIES I through X, inclusive,

16 Defendants.

Case No.: 2:17-CV-01246-APG-GWF

**STIPULATION AND ORDER TO
EXTEND DISCOVERY DEADLINES**

(Second Request)

17
18 IT IS HEREBY STIPULATED AND AGREED, by Plaintiffs and Defendants, by and
19 through their undersigned counsel, that discovery be extended beyond the Discovery Schedule in
20 the Stipulation and Order to Extend Discovery dated October 18, 2017 (Document No. 14).

21 Per Federal Rules of Civil Procedure 16(b), and Local Rule 26-4 the following is included in
22 support of the proposed extension to the Discovery Schedule:

23 **A. STATEMENT SPECIFYING THE DISCOVERY THAT HAS BEEN COMPLETED.**

24 The parties participated in the Fed. R. Civ. P. 26(f) conference on June 22, 2017. The parties
25 have propounded and responded to written discovery requests including Interrogatories, Request for
26 Production of Documents and Requests for Admission. The depositions of Plaintiff, Thomas
27 Angelo and Karen Angelo were completed on October 30, 2017. The deposition of Defendant's
28 employee, Kenneth Luoto was completed on June 3, 2018 and the deposition of Defendant's store

1 manager, Mignon Pasqualicchio was completed on January 19, 2018. Plaintiffs currently have the
2 depositions of additional Defendant's employees scheduled for March 27, 2018 and March 28,
3 2018. The parties disclosed expert reports on February 21, 2018 and the parties disclosed rebuttal
4 expert reports on March 22, 2018.

5 **B. SPECIFIC DESCRIPTION OF THE DISCOVERY THAT REMAINS TO BE**
6 **COMPLETED.**

7 As set forth above, the parties agree that an extension in the discovery deadlines is necessary
8 to ensure this case is prepared for trial. The Plaintiffs will need additional time to depose the FRCP
9 30(b)(6) Corporative Representative of Defendant Albertson's in addition to the expert witnesses
10 Defendants have disclosed.

11 Defendants will also need to conduct the depositions of Plaintiff's treating physicians and
12 the expert witnesses Plaintiffs' have disclosed.

13 **C. REASONS WHY THE DISCOVERY REMAINING WAS NOT COMPLETED**
14 **WITHIN THE DEADLINES CONTAINED IN THE AMENDED DISCOVERY**
15 **SCHEDULING ORDER**

16 Despite the parties' good faith efforts to comply with the Court's discovery deadlines, both
17 parties have been compromised in part by the numerous experts that will need to be deposed and
18 the extent of Plaintiff's treating physicians. As such, the parties believe that a ninety (90) extension
19 of the discovery cut off date will be sufficient to allow the parties to complete discovery.

20 **D. PROPOSED SCHEDULE FOR COMPLETING ALL REMAINING DISCOVERY.**

21 It is requested that all remaining discovery deadlines in this case be continued as follows:

- 22 1. **Discovery Cut-Off Date:** The last day to conduct discovery shall be **July 19, 2018**
- 23 2. **Dispositive Motions:** The date for filing dispositive motions shall extended for
24 thirty days until **August 20, 2018**, 30 days after the proposed amended discovery cut-off date. In
25 the event that the discovery period is again extended from the discovery cut-off date set forth in this
26 proposed Discovery Plan and Scheduling Order, the date for filing dispositive motions shall be
27 extended to be not later than 30 days from the subsequent discovery cut-off date.
28

1 3. **Pretrial Order:** The date for filing the joint pretrial order shall not be later than
2 **September 19, 2018**, 30 days after the cut-off date for filing dispositive motions. In the event that
3 dispositive motions are filed, the date for filing the joint pretrial order shall be suspended until 30
4 days after decision on the dispositive motions or until further order of the court. In the further event
5 that the discovery period is extended from the discovery cut-off date set forth in this Discovery Plan
6 and Scheduling Order, the date for filing the joint pretrial order shall be extended in accordance
7 with the time periods set forth in this paragraph.

8 4. **Fed.R.Civ.P. 26(a)(3) Disclosures:** The disclosures required by Fed.R.Civ.P.
9 26(a)(3), and any objections thereto, shall be included in the joint pretrial order.

10 5. **Extensions or Modifications of the Discovery Plan and Scheduling Order:** Any
11 stipulation or motion must be made no later than 21 days before the subject deadline. Requests to
12 extend discovery deadlines must comply fully with LR 26-4.

13
14 DATED this 23rd day of March, 2018.

DATED this 23rd day of March, 2018.

15
16 SHOOK & STONE, CHTD.

BACKUS, CARRANZA & BURDEN

17 /s/ John B. Shook, Esq.

/s/ Jack P. Burden, Esq.

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25
26 **ORDER**

27 IT IS SO ORDERED:

DATED this 26th day of March, 2018.

28

UNITED STATES MAGISTRATE JUDGE